		Page 1
1 1	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
2	YEVGENTY DIKLER,	
3	Plaintiff,	
4	-against-	
5 6	THE CITY OF NEW YORK, DETECTIVE MICHAEL VISCONTI, SHIELD 06482, SECURITY OFFICER	
7	WILSON VEGA, HWA, INC.,	
8	Defendants.	
9	UNITED STATES DISTRICT COURT	
10	SOUTHERN DISTRICT OF NEW YORK	
11	LAJZER GRYNSZTAIN,	
12	Plaintiff,	
13	-against-	
14		
15	THE CITY OF NEW YORK, DETECTIVE MICHAEL	
16	WILLIAMS, SHIELD 06409, SECURITY OFFICER	
17	WILSON VEGA, HWA, INC.,	
18		
19	Defendants.	
20		
-21	x	
22		
23	MAY 21, 2008	
24		
25	11:55 A.M.	

	Page 2		Page
1	MAY 21, 2008	1	
. 2		2	* * *
3	11:55 A.M.	3	
4		4	
5		5	
6		6	
7		7	
8		8	IT IS HEREBY STIPULATED AND AGREED, by and
9	EXAMINATION BEFORE TRIAL of the	9	among counsel for the respective parties
10	DEFENDANTS by MICHAEL VISCONTI taken by the	10	hereto, that the filing, sealing and
11	PLAINTIFFS, pursuant to Order, held at the	11	certification of the within deposition shall
12	office of Lester Schwab Katz & Dwyer, 120	12	be and the same are hereby waived;
13	Broadway, New York, New York taken before	13	IT IS FURTHER STIPULATED AND AGREED that
14	Mindy Corcoran, a Shorthand Reporter and	14	all objections, except as to form of the
15	Notary Public of the State of New York.	15	question, shall be reserved to the time of the
16		16	trial;
17		17	IT IS FURTHER STIPULATED AND AGREED that
18		18	the within deposition may be signed before any
19	* * *	19	Notary Public with the same force and effect
20		20	as if signed and sworn to before the Court.
21		21	* * *,
22		22	
23		23	
24		24	
25		25	
}	Page 3		Рапе
1	Page 3	1	Page . M. Visconti
1 2		1 2	M. Visconti
2	Page 3 APPEARANCES:	2	M. Visconti MICHAEL VISCONTI,
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2		2 3 4	M. Visconti MICHAEL VISCONTI, the Witness herein, having first been duly sworn by the Notary Public, was examined
2 3 4	APPEARANCES: DAVID A. ZELMAN, ESQ.	2 3 4 5	M. Visconti M I C H A E L V I S C O N T I, the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:
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1		1. Visconti		1	_	M. Visconti	
2		ending, your counsel is not		2	Q.	What year was it that you	
3	,	eak to you about it. The only		3		n that case?	
4	_	do is object to the form of the	İ	4	Α.	I don't understand the question.	
5	question.			5	Q.	What year did you testify in	
6		you understand that?		6	that case		
7	A. Ye			7	Α.	This year.	
8	~	ou could take a break at any		8	Q.	2008?	
9		have to answer any questions		9	Α.	Yes.	
10	that are pend	· ·		10	Q.	And the corporation counsel was	
11	A. Ye			11	your atto		
12	Q. Ha	ave you ever testified before?		12	Α.	Yes.	
13	A. Ye			13	Q.	Do you know if the case is still	
14	_	ave you ever testified in a		14	pending?		
15	civil case bef	ore?	ŧ	15	Α.	I am not sure.	
16	A. Ye	s.		16	Q.	Was that the only time you	
17	Q. Ar	nd how many times have you	1	17	testified i	in a civil case other than today?	
18	testified in a	civil case?	t	18	Α.	Yes.	
19	A. Or	nce, I believe.	1	19	Q.	You are now a detective; is that	
20	Q. Ha	ave you ever testified in a	2	20	correct?		
21	deposition fo	rum like this?	7	21	A.	Yes.	
22	A. Ye	S.	2	22	Q.	What is your title?	
23	Q. W	as that also a case brought	7	23	Ă.	Detective-investigator.	
24	-	as a sergeant, police officer or a	7	24	Q.	How long has that been your	
25	detective?	3	2	25	title?	-	
		Pa	ige 7			A 4 4 5 5 6 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	Page
1	1	1. Visconti		1		M. Visconti	
2	A. Ye	S.		2	A.	Since May of 2002, I believe.	
3		hat was the name of that case?		3	Q.	Prior to that, what was your	
4		. PRIVETERRE: If you can		4	title?	•	
5	rememb	•		5	Α.	Detective-specialist.	
6		anton versus New York City.		6	Q.	Do you remember when you got	
7		hat was that?		7	that title?	• •	
8	_	anton.		8	A.	July of '99.	
9		you know how to spell that?		9	Q.	Prior to that?	
10	-	L-A-N-T-O-N.	-	10	Q. A.	Police officer.	
11		as that a false arrest case?		11	Q.	When did you become a police	
12	-	as triat a raise arrest case:		12	officer?	Then all you become a ponce	
13		hat court was that case in?		13	A.	1992.	
T)	-	lon't know.		13 14	Q.	Did you do street patrol?	
				1 4 15	_	Yes.	
14	U. D!	d you testify here in	- 1	15 16	A. O	How long?	
14 15	_		1		Q. ^	Up until 2002.	
14 15 16	Manhattan?	was a deposition		17	A. Q.	op unui 2002. From 1992 until 2002?	
14 15 16 17	Manhattan? A. It	was a deposition.	t t	10	()	ECOLU 1997 NOU 2017	
14 15 16 17 18	Manhattan? A. It Q. At	a deposition?	1	18	_		
14 15 16 17 18 19	Manhattan? A. It Q. At A. Ye	a deposition?]	19	Ā.	Yes.	
14 15 16 17 18 19 20	Manhattan? A. It Q. At A. Ye Q. Di	a deposition? s. d it go to trial, if you know?	1 2	19 20	A. Q.		
14 15 16 17 18 19 20 21	Manhattan? A. It Q. At A. Ye Q. Di A. No	a deposition? es. d it go to trial, if you know? o, I don't know.	1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	19 20 21	A. Q. years?	Yes. So it was approximately ten	
14 15 16 17 18 19 20 21 22	Manhattan? A. It Q. At A. Ye Q. Di A. No	a deposition? es. d it go to trial, if you know? o, I don't know. o you remember the allegations		19 20 21 22	A. Q. years? A.	Yes. So it was approximately ten Yes.	
14 15 16 17 18 19 20 21	Manhattan? A. It Q. At A. Ye Q. Di A. No Q. Do in that case?	a deposition? es. d it go to trial, if you know? o, I don't know. o you remember the allegations		19 20 21 22 23	A. Q. years? A. Q.	Yes. So it was approximately ten Yes. Were you at the same precinct or	r
14 15 16 17 18 19 20 21 22	Manhattan? A. It Q. At A. Ye Q. Di A. No Q. Do in that case?	a deposition? es. d it go to trial, if you know? o, I don't know. o you remember the allegations om not sure. I think it was		19 20 21 22	A. Q. years? A. Q.	Yes. So it was approximately ten Yes.	r

	Page 10		Page 12
1	M. Visconti	1	M. Visconti
2	Q. What precinct?	2	how long ago?
3	A. 108th.	3	MR. ZELMAN: No, just for how
4	Q. Is that in Queens?	4	long.
5	A. Yes.	5	MS. PRIVETERRE: In his entire
6	Q. As an officer at the 108th, did	6	career?
7	you perform more than 100 arrests?	7	MR. ZELMAN: At 26 Federal
8	A. Yes.	8	Plaza, the amount of time he was working
9	Q. Ranging from murders, rapes to	9	there.
10	shoplifting, et cetera?	10	A. I was there on individual days
11	MS. PRIVETERRE: Objection to	11	at a time.
12	the form.	12	Q. Why would you get called in to
13	Can you break that down?	13	26 Federal Plaza?
14	Q. And so you did all types of	14	MS. PRIVETERRE: Objection to
15	arrests?	15	the form. He didn't say he was called
16	A. Yes.	16	in.
17	Q. And when you became a	17	Q. Did you get called in to 26
18	detective-specialist, were you assigned to a	18	Federal Plaza?
19	specific unit?	19	A. Could you rephrase the question?
20	A. Patrol.	20	Q. What brought you to 26 Federal
21	Q. Patrol?	21	Plaza?
22	A. Yes.	22	MS. PRIVETERRE: When?
23	Q. Did you remain on patrol as a	23	Q. The first time you went there.
24	detective-specialist?	24	A. I was sent there.
25	A. Yes.	25	Q. By whom?
├ ─	to the second se	<u> </u>	
. .	Page 11		Page 13
1	M. Visconti	1	M. Visconti
2	Q. Are you still on patrol now?	2	A. By my superiors.
3	A. No.	3	Q. At the internal affairs?
4	Q. When did you stop being on	4	A. Yes.
5	patrol?	5	Q. What was the purpose?
6	A. May of 2002.	6	A. There were individuals there who
7	Q. Where are you stationed now?	7	had duplicate shields.
8	MS. PRIVETERRE: Do you mean	8	Q. On how many working days were
9	what command he is at?	9	you at 26 Federal Plaza investigating
10	A. Could you repeat the question,	10	duplicate shields or shield issues?
11	please?	11	A. I don't know.
12	Q. Where do you report to work?	12	Q. Was it more than a month?
13	A. Do you want the address?	13	A. No.
14	Q. The command.	14	Q. Was it less than a month?
15	A. Internal affairs bureau.	15	A. Yes.
16	Q. Did there come a time that you	16	Q. Was it more than two weeks?
17	worked at 26 Federal Plaza?	17	A. No.
18	A. No.	18	Q. Was it less than two weeks?
19	Q. Were you ever present there in a	19	A. Yes.
20	working capacity?	20	Q. Was it more than five days?
21	A. Yes.	21	A. Was it a total of maybe five
22	Q. How often were you present there	22	days.
23	in a working capacity? Was it more than a	23	Q. Five days total?
24	month? Was it more than a year?	24	A. Yes.
		. 71	
25	MS. PRIVETERRE: Are you asking	25	Q. You were the arresting officer

1		I	
1	Page 14 M. Visconti	1	Page 16 M. Viscont i
1 2	for Mr. Dikler; is that correct?	1 2	the form. Do you know what he is
1 3	A. Yes.	3	asking?
4	MS. PRIVETERRE: Objection to	4	A. Rephrase the question.
5	the form.	5	Q. The other times you reported to
6	Q. Were there any other persons at	6	26 Federal Plaza to investigate a
7	26 Federal Plaza that you arrested for	7	badge-related issue; do you recall if it was
8	badge-related issues?	8	in March of 2006?
9	MS. PRIVETERRE: When?	9	A. No.
10	MR. ZELMAN: At any other time.	10	Q. Do you remember if it was in a
11	A. Me personally?	11	different month?
12	Q. Yes.	12	A. I am not sure what month it was.
13	A. No.	13	Q. Do you recall if it was in 2006?
14	Q. He was your only arrest at 26	14	A. I am not sure.
15	Federal Plaza for a badge-related issues?	15	Q. Have you ever been to 26 Federal
16	MS. PRIVETERRE: Do you	16	Plaza in 2008 to investigate a badge-related
17	understand what he is asking?	17	issue?
18	 A. Me, as me being the arresting 	18	A. No.
19	officer?	19	Q. When you were sent to 26 Federal
20	Q. Yes.	20	Plaza on the Dikler case, who sent you?
21	A. Yes.	21	MS. PRIVETERRE: Objection.
22	Q. The five times that you went	22	What do you mean by sent?
23	there, that was each time to investigate a	23	Q. When you were informed to go
24	badge-related issue?	24	there, who informed you?
25	MS. PRIVETERRE: Objection.	25	A. I received a phone call from one
	Page 15		Page 17
1	M. Visconti	1	M. Visconti
1 2	A Talamik lamana, Talamik imana if	1	
2	A. I don't know. I don't know if	2	of the supervisors at the office.
3	every single occurrence was for that	3	of the supervisors at the office. Q. Do you remember the person's
3 4	every single occurrence was for that specifically.	3 4	of the supervisors at the office. Q. Do you remember the person's name?
3 4 5	every single occurrence was for that specifically. Q. How many times did you report to	3 4 5	of the supervisors at the office. Q. Do you remember the person's name? A. No.
3 4 5 6	every single occurrence was for that specifically. Q. How many times did you report to 26 Federal Plaza for a badge-related issue?	3 4 5 6	of the supervisors at the office. Q. Do you remember the person's name? A. No. Q. Was it a supervisor at internal
3 4 5 6 7	every single occurrence was for that specifically. Q. How many times did you report to 26 Federal Plaza for a badge-related issue? A. I don't know.	3 4 5 6 7	of the supervisors at the office. Q. Do you remember the person's name? A. No. Q. Was it a supervisor at internal affairs?
3 4 5 6 7 8	every single occurrence was for that specifically. Q. How many times did you report to 26 Federal Plaza for a badge-related issue? A. I don't know. Q. More than once?	3 4 5 6 7 8	of the supervisors at the office. Q. Do you remember the person's name? A. No. Q. Was it a supervisor at internal affairs? A. Yes.
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3 4 5 6 7 8 9	every single occurrence was for that specifically. Q. How many times did you report to 26 Federal Plaza for a badge-related issue? A. I don't know. Q. More than once? A. Yes. Q. More than twice?	3 4 5 6 7 8 9	of the supervisors at the office. Q. Do you remember the person's name? A. No. Q. Was it a supervisor at internal affairs? A. Yes. Q. Is it common that you would get a call from a supervisor at internal affairs
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	every single occurrence was for that specifically. Q. How many times did you report to 26 Federal Plaza for a badge-related issue? A. I don't know. Q. More than once? A. Yes. Q. More than twice? A. Yes. Q. More than three times? A. I don't know. Q. This arrest occurred on March 22, 2006; is that correct? A. I think so, yes. Q. These other times that you reported to 26 Federal Plaza for a badge-related issue, do you remember if it was before this time or after this time? A. It was probably before and after. I am not certain. Q. Was it in approximately March of	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	of the supervisors at the office. Q. Do you remember the person's name? A. No. Q. Was it a supervisor at internal affairs? A. Yes. Q. Is it common that you would get a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime? MS. PRIVETERRE: Objection to the form. What do you mean by common? Q. You could answer the question. MS. PRIVETERRE: I don't know what common means. Q. Is it typical in your performance MS. PRIVETERRE: I don't know what typical means. MR. ZELMAN: Excuse me, counselor.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	every single occurrence was for that specifically. Q. How many times did you report to 26 Federal Plaza for a badge-related issue? A. I don't know. Q. More than once? A. Yes. Q. More than twice? A. Yes. Q. More than three times? A. I don't know. Q. This arrest occurred on March 22, 2006; is that correct? A. I think so, yes. Q. These other times that you reported to 26 Federal Plaza for a badge-related issue, do you remember if it was before this time or after this time? A. It was probably before and after. I am not certain.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	of the supervisors at the office. Q. Do you remember the person's name? A. No. Q. Was it a supervisor at internal affairs? A. Yes. Q. Is it common that you would get a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime? MS. PRIVETERRE: Objection to the form. What do you mean by common? Q. You could answer the question. MS. PRIVETERRE: I don't know what common means. Q. Is it typical in your performance MS. PRIVETERRE: I don't know what typical means. MR. ZELMAN: Excuse me,

1	_		D 20
	Page M. Vissandi	1	Page 20
$\frac{1}{2}$	M. Visconti	1	M. Visconti
2	MR. ZELMAN: Look it up.	2	
3	MS. PRIVETERRE: What do these	3	
4	words that are qualifying as typical and	4	
5	common	5	
6	MR. ZELMAN: Let me ask my	6	_
7	questions. The federal rules are, if	7	A. No.
8	you have an objection, you could say	8	Q. Was it this month, May 2008?
9	objection to form and that is it.	9	
10	Q. Sir, is it typical or common in	10	Q. Was it in April of 2008?
11	your professional duties to report to a	11	
12	certain location after you get a call from a	12	
13	supervisor?	13	• ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '
14	MS. PRIVETERRE: Do you know	14	
15	what he means when he uses the words	15	
		16	
16	"typical" or "common" or would you like	17	·
17	him to rephrase the question?	ŧ	
18	Q. Is it routine for you?		•
19	A. Yes.	19	
20	Q. How many times have you	20	•
21	testified in criminal cases?	21	
22	A. I don't know.	22	
23	Q. Was it more than 100?	23	
24	A. I don't know.	24	A. No.
25	Q. Was it more than 50?	25	Q. Do you recall the outcome?
	Page	19	Page 21
1	M. Visconti	1	M. Visconti
2	A. I don't know.	2	A. No.
3	Q. Was it more than ten?	3	
4	A. Yes.	4	•
5	711 1001	1 -	restitled in front of the CCRB, do you recall
	O Was it more than 20?	5	
-	Q. Was it more than 20?	5	what year that was?
6	A. I don't know.	6	what year that was? A. No.
6 7	A. I don't know. Q. Is there any way that you could	6	what year that was? A. No. Q. Do you recall what the
6 7 8	A. I don't know. Q. Is there any way that you could find out?	6 7 8	what year that was? A. No. Q. Do you recall what the allegation was?
6 7 8 9	A. I don't know. Q. Is there any way that you could find out? A. Probably.	6 7 8 9	what year that was? A. No. Q. Do you recall what the allegation was? A. No.
6 7 8 9 10	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How?	6 7 8 9 10	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome?
6 7 8 9 10 11	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I	6 7 8 9 10	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No.
6 7 8 9 10 11 12	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court.	6 7 8 9 10 11 12	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from
6 7 8 9 10 11 12 13	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front	6 7 8 9 10 11 12 13	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD?
6 7 8 9 10 11 12 13 14	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB?	6 7 8 9 10 11 12 13 14	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes.
6 7 8 9 10 11 12 13 14 15	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes.	6 7 8 9 10 11 12 13 14 15	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When?
6 7 8 9 10 11 12 13 14 15 16	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes. Q. How many times?	6 7 8 9 10 11 12 13 14 15 16	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When? A. In the police academy I was
6 7 8 9 10 11 12 13 14 15 16 17	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes. Q. How many times? A. I am not sure.	6 7 8 9 10 11 12 13 14 15 16 17	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When? A. In the police academy I was issued a CD for being late.
6 7 8 9 10 11 12 13 14 15 16	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes. Q. How many times?	6 7 8 9 10 11 12 13 14 15 16 17 18	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When? A. In the police academy I was issued a CD for being late. Q. Any other time?
6 7 8 9 10 11 12 13 14 15 16 17	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes. Q. How many times? A. I am not sure.	6 7 8 9 10 11 12 13 14 15 16 17 18 19	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When? A. In the police academy I was issued a CD for being late. Q. Any other time? A. And I was issued a CD some time
6 7 8 9 10 11 12 13 14 15 16 17 18	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes. Q. How many times? A. I am not sure. Q. Was it more than five? A. No.	6 7 8 9 10 11 12 13 14 15 16 17 18	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When? A. In the police academy I was issued a CD for being late. Q. Any other time? A. And I was issued a CD some time
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes. Q. How many times? A. I am not sure. Q. Was it more than five? A. No. Q. More than two? A. Yes.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When? A. In the police academy I was issued a CD for being late. Q. Any other time? A. And I was issued a CD some time after 2002. Q. Do you remember what it was for?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes. Q. How many times? A. I am not sure. Q. Was it more than five? A. No. Q. More than two? A. Yes. Q. When was the last time you	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When? A. In the police academy I was issued a CD for being late. Q. Any other time? A. And I was issued a CD some time after 2002. Q. Do you remember what it was for? A. Failure to notify a supervisor.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes. Q. How many times? A. I am not sure. Q. Was it more than five? A. No. Q. More than two? A. Yes. Q. When was the last time you testified in front of the CCRB?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When? A. In the police academy I was issued a CD for being late. Q. Any other time? A. And I was issued a CD some time after 2002. Q. Do you remember what it was for? A. Failure to notify a supervisor. Q. Were you docked vacation pay or
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't know. Q. Is there any way that you could find out? A. Probably. Q. How? A. If I went over every arrest I ever made to see how far it went in court. Q. Have you ever testified in front of the CCRB? A. Yes. Q. How many times? A. I am not sure. Q. Was it more than five? A. No. Q. More than two? A. Yes. Q. When was the last time you	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	what year that was? A. No. Q. Do you recall what the allegation was? A. No. Q. Do you remember the outcome? A. No. Q. Were you ever disciplined from the time you began working at the NYPD? A. Yes. Q. When? A. In the police academy I was issued a CD for being late. Q. Any other time? A. And I was issued a CD some time after 2002. Q. Do you remember what it was for? A. Failure to notify a supervisor. Q. Were you docked vacation pay or did you receive any other discipline for those

			1	
		Page 22	1	Page 24
1	_	M. Visconti	1	M. Visconti
2	Α.	No.	2	Q. Did you receive the call on
3	. Q.	Was there any other discipline	3	March 22 to go to 26 Federal Plaza?
4		the NYPD?	4	A. Yes, it was on the same day.
5	Α.	No.	5	Q. It was on the same day?
6	Q.	Have you ever been arrested?	6	A. Yes.
7	Α.	No.	7	Q. Do you recall if that was the
8	Q.	Are you still full time with the	8	first time you ever performed an arrest for
9	NYPD?		9	somebody in possession of allegedly a forged
10	Α.	Yes.	10	badge?
11	Q.	Do you recall the arrest of Mr.	11	A. I don't remember.
12	Dikler?		12	Q. Do you remember placing anyone
13	Α.	Somewhat.	13	under arrest for a badge-related issue at any
14	Q.	What do you recall about it?	14	other time?
15	Α.	I arrested him for being in	15	MS. PRIVETERRE: Objection to
16	possessio	on of a duplicate type of NYPD	16	the form.
17	detective	shield.	17	A. There were other people
18	Q.	Prior to the arrest, did you	18	arrested, but I don't remember if it was for
19	_	te, did you look at that shield, that	19	badge related or police impersonation.
20	badge?	, ,	20	Q. Before you went to 26 Federal
21	Α.	Rephrase the question.	21	Plaza did you receive instructions about what
22	Q.	Did you decide to place Mr.	22	you were to do when you got there?
23		der arrest?	23	MS. PRIVETERRE: When?
24	A.	Yes.	24	Q. On March 22 or any time before.
25	Q.	Before you decided to place Mr.	25	A. Yes.
, <u></u>	<u> </u>	before you decided to place in:	23	A. P.G.
			1	
		Page 23		Page 25
1		Page 23 M. Visconti	1	Page 25 M. Visconti
2	Dicker ur		1 2	
	Dicker ur badge?	M. Visconti	1	M. Visconti
2 3 4		M. Visconti	1 2	M. Visconti Q. When did you receive those
2	badge?	M. Viscontinder arrest, did you look at the Yes.	1 2 3	M. Visconti Q. When did you receive those instructions? A. I don't remember.
2 3 4	badge? A.	M. Visconti nder arrest, did you look at the	1 2 3 4	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing
2 3 4 5	badge? A. Q.	M. Viscontinder arrest, did you look at the Yes.	1 2 3 4 5	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally?
2 3 4 5 6	badge? A. Q. recall? A.	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you	1 2 3 4 5 6	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally.
2 3 4 5 6 7 8	badge? A. Q. recall? A. Q.	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he	1 2 3 4 5 6 7 8	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions?
2 3 4 5 6 7 8	badge? A. Q. recall? A. Q.	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he it the Transit Authority?	1 2 3 4 5 6 7 8	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who
2 3 4 5 6 7 8	badge? A. Q. recall? A. Q. worked a	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he	1 2 3 4 5 6 7 8	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who specifically.
2 3 4 5 6 7 8 9 10 11	badge? A. Q. recall? A. Q. worked a	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he the Transit Authority? MS. PRIVETERRE: You mean those	1 2 3 4 5 6 7 8 9 10 11	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who specifically. Q. Do you recall if it was the date
2 3 4 5 6 7 8 9 10 11 12	badge? A. Q. recall? A. Q. worked a	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he at the Transit Authority? MS. PRIVETERRE: You mean those twords? Or the MTA.	1 2 3 4 5 6 7 8 9 10 11 12	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who specifically. Q. Do you recall if it was the date of the incident or some other date?
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2 3 4 5 6 7 8 9 10 11 12 13 14	badge? A. Q. recall? A. Q. worked a exac Q. A. don't rem	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he the Transit Authority? MS. PRIVETERRE: You mean those twords? Or the MTA. Something to that effect, but I member what it said.	1 2 3 4 5 6 7 8 9 10 11 12 13 14	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who specifically. Q. Do you recall if it was the date of the incident or some other date? A. Some other date. Q. Do you recall what the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	badge? A. Q. recall? A. Q. worked a exac Q. A. don't ren Q. people w 2005 to 2 A.	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he it the Transit Authority? MS. PRIVETERRE: You mean those twords? Or the MTA. Something to that effect, but I member what it said. To your knowledge, how many ere arrested at 26 Federal Plaza from 2008 with respect to badges? I don't know.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who specifically. Q. Do you recall if it was the date of the incident or some other date? A. Some other date. Q. Do you recall what the instructions were? A. Specifically, no. Q. In general. A. In general, basically, anyone
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	badge? A. Q. recall? A. Q. worked a exac Q. A. don't ren Q. people w 2005 to 2 A. Q.	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he the Transit Authority? MS. PRIVETERRE: You mean those twords? Or the MTA. Something to that effect, but I member what it said. To your knowledge, how many ere arrested at 26 Federal Plaza from 2008 with respect to badges?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who specifically. Q. Do you recall if it was the date of the incident or some other date? A. Some other date. Q. Do you recall what the instructions were? A. Specifically, no. Q. In general. A. In general, basically, anyone who went into Federal Plaza with a forged
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	badge? A. Q. recall? A. Q. worked a exac Q. A. don't rem Q. people w 2005 to 2 A. Q. 100?	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he the Transit Authority? MS. PRIVETERRE: You mean those twords? Or the MTA. Something to that effect, but I member what it said. To your knowledge, how many ere arrested at 26 Federal Plaza from 2008 with respect to badges? I don't know. Do you know if it was more than	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who specifically. Q. Do you recall if it was the date of the incident or some other date? A. Some other date. Q. Do you recall what the instructions were? A. Specifically, no. Q. In general. A. In general, basically, anyone who went into Federal Plaza with a forged shield of any type would be arrested.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	badge? A. Q. recall? A. Q. worked a exac Q. A. don't ren Q. people w 2005 to 2 A. Q. 100? A. Q. assignmen	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he t the Transit Authority? MS. PRIVETERRE: You mean those twords? Or the MTA. Something to that effect, but I nember what it said. To your knowledge, how many ere arrested at 26 Federal Plaza from 2008 with respect to badges? I don't know. Do you know if it was more than I don't know. Do you know why you received the ent to go to 26 Federal Plaza on this	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who specifically. Q. Do you recall if it was the date of the incident or some other date? A. Some other date. Q. Do you recall what the instructions were? A. Specifically, no. Q. In general. A. In general, basically, anyone who went into Federal Plaza with a forged shield of any type would be arrested. Q. How were you to determine whether or not it was forged? A. Training as a police officer
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	badge? A. Q. recall? A. Q. worked a exac Q. A. don't ren Q. people w 2005 to 2 A. Q. 100? A. Q. assignmen	M. Viscontinder arrest, did you look at the Yes. What did the badge say, if you I don't remember exactly. Do you remember if it said he It the Transit Authority? MS. PRIVETERRE: You mean those It words? Or the MTA. Something to that effect, but Inember what it said. To your knowledge, how many ere arrested at 26 Federal Plaza from 2008 with respect to badges? I don't know. Do you know if it was more than I don't know. Do you know why you received the	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally. Q. Who told you those instructions? A. The super. I don't know who specifically. Q. Do you recall if it was the date of the incident or some other date? A. Some other date. Q. Do you recall what the instructions were? A. Specifically, no. Q. In general. A. In general, basically, anyone who went into Federal Plaza with a forged shield of any type would be arrested. Q. How were you to determine whether or not it was forged?

			D 20
1	Page 26 M. Visconti	1	Page 28 M. Visconti
2	Q. Did you receive any specific	2	it.
3	intelligence bulletins with respect to the	3	Q. Can you describe the instruction
4	Dikler shield?	4	sheet better?
5	A. Would you rephrase the question?	5	A. Sure. The shield possessed by
6		6	law enforcement, specifically, for the city
7	•	7	police department can be described and
	way to figure out if the shield was forged was	I -	nothing can resemble them in terms of shape,
8	if you received an intelligence instruction;	8	which is the starburst. And there are a few
9	is that correct?	9	
10	MS. PRIVETERRE: Objection to	10	people who are actually allowed to carry
11	the form.	11	shields, such as registered law enforcement
12	 A. Are you referring to the 	12	and security guards.
13	intelligence bulletin?	13	Q. So is that what instruction the
14	Q. Yes. What did the intelligence	14	instruction sheet said?
15	bulletin say, if you recall?	15	 A. To some extent, yes.
16	MS. PRIVETERRE: Which one?	16	Q. Any time you see a starburst, if
17	MR. ZELMAN: Regarding a	17	it wasn't an authorized NYPD holder, it was
18	shield.	18	forged?
19	A. It defined the specific shape of	19	MS. PRIVETERRE: Is that
20	the shields that were allowed to be carried	20	correct?
21	and by what persons.	21	THE WITNESS: No.
22	Q. So it listed permissible	22	MS. PRIVETERRE: Listen to the
23	shields; is that correct?	23	way he is characterizing it.
	•	24	THE WITNESS: No.
24	A. Yes.	25	
25	Q. Did it have pictures of shields	23	Q. Can you categorize it?
	Page 27		Page 29
1	M. Visconti	1	M. Visconti
2	that were not permissible?	2	 A. The court officers have shields
3	A. Specifically, no.	3	like detectives. There are various types of
4	Q. Unless the shield fell into one	4	shields, but it is limited as to who is
5	of these categories on the instructions, it	5	allowed to possess a shield and if they are
6	was a forged badge?		dilovica to possess a sincia and in they are
		6	
1 7		6 7	allowed to possess a shield. There are
7 8	MS. PRIVETERRE: Objection to	7	allowed to possess a shield. There are defined shapes as to what the shield looks
8	MS. PRIVETERRE: Objection to the form. Are you asking him a	7 8	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's
8	MS. PRIVETERRE: Objection to the form. Are you asking him a question?	7 8 9	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape.
8 9 10	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the	7 8 9 10	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction
8 9 10 11	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question.	7 8 9 10 11	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction sheet? Was it one page?
8 9 10 11 12	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have	7 8 9 10 11 12	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction sheet? Was it one page? A. Yes.
8 9 10 11 12 13	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have that read back?	7 8 9 10 11 12 13	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction sheet? Was it one page? A. Yes. Q. Do you have a copy of it?
8 9 10 11 12 13 14	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have that read back? [The requested portion of the	7 8 9 10 11 12 13 14	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction sheet? Was it one page? A. Yes. Q. Do you have a copy of it? A. Not with me, no.
8 9 10 11 12 13 14 15	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have that read back? [The requested portion of the record was read.]	7 8 9 10 11 12 13 14 15	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction sheet? Was it one page? A. Yes. Q. Do you have a copy of it? A. Not with me, no. Q. Do you remember when you saw it?
8 9 10 11 12 13 14 15 16	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have that read back? [The requested portion of the record was read.] MS. PRIVETERRE: Which	7 8 9 10 11 12 13 14 15 16	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction sheet? Was it one page? A. Yes. Q. Do you have a copy of it? A. Not with me, no. Q. Do you remember when you saw it? A. Not specifically.
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8 9 10 11 12 13 14 15 16 17 18	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have that read back? [The requested portion of the record was read.] MS. PRIVETERRE: Which categories, that is what I am not following?	7 8 9 10 11 12 13 14 15 16 17 18	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction sheet? Was it one page? A. Yes. Q. Do you have a copy of it? A. Not with me, no. Q. Do you remember when you saw it? A. Not specifically. Q. Do you remember what year? A. 2006.
8 9 10 11 12 13 14 15 16 17 18 19	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have that read back? [The requested portion of the record was read.] MS. PRIVETERRE: Which categories, that is what I am not following? Q. You indicated that you received	7 8 9 10 11 12 13 14 15 16 17 18 19	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction sheet? Was it one page? A. Yes. Q. Do you have a copy of it? A. Not with me, no. Q. Do you remember when you saw it? A. Not specifically. Q. Do you remember what year? A. 2006. Q. Is it safe to say that unless a
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8 9 10 11 12 13 14 15 16 17 18 19 20	MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have that read back? [The requested portion of the record was read.] MS. PRIVETERRE: Which categories, that is what I am not following? Q. You indicated that you received an instruction sheet listing the permissible	7 8 9 10 11 12 13 14 15 16 17 18 19 20	allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape. Q. How long was this instruction sheet? Was it one page? A. Yes. Q. Do you have a copy of it? A. Not with me, no. Q. Do you remember when you saw it? A. Not specifically. Q. Do you remember what year? A. 2006. Q. Is it safe to say that unless a person was authorized to wear a starburst-type
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	Page 30		Page 32
1	M. Visconti	1	M. Visconti
`2	the form. Objection to the safe to	2	MR. ZELMAN: You could object to
3	say.	3	the form.
4	But, otherwise, do you	4	MS. PRIVETERRE: May I have that
5	understand what he is asking?	5	read back, please.
6	THE WITNESS: Yes.	6	[The requested portion of the
7	Q. Can you answer it?	7	record was read.]
8	A. Yes.	8	A. The question there is no way
9	Q. And that is the situation we	9	for me to know that.
10	found ourselves in on March 22 when Mr. Dikler	10	Q. When you arrested Mr. Dikler,
11	was arrested, he was not authorized to carry a	11	did you feel that he was trying to trick
12	starburst type of a shield; correct?	12	anybody?
13	A. Yes.	13	MS. PRIVETERRE: When?
14	Q. Prior to the arrest of Mr.	14	MR. ZELMAN: At any time.
15	Dikler, did you confirm that he worked at the	15	MS. PRIVETERRE: At any time
16	Transit Authority or the MTA?	16	that day?
17	A. Yes.	17	MR. ZELMAN: Yes.
18		18	
	Q. How did you do that? A. He had ID.	19	Q. Prior to your arrest. A. When you say trick I don't
19		20	understand.
20	Q. He had ID?	21	
21	A. Yes.	1	Q. In any respect, do you know if
22	Q. Did you ever call his employer	22	he tried to use the shield to get into the
23	on that date to verify his employment there?	23	building?
24	A. No.	24	A. No.
25	Q. Because you were confident that	25	MS. PRIVETERRE: Is that a no,
		1	
	Page 31		Page 33
1	Page 31 M. Visconti	1	Page 33 M. Visconti
1 2	M. Visconti	1 2	M. Visconti
2	M. Visconti he did, in fact, work there?	2	M. Visconti you don't know?
2	M. Visconti he did, in fact, work there? A. Yes.	2	M. Visconti you don't know? A. No, I don't know.
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2 3 4 5	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form.	2 3 4 5	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the
2 3 4 5 6	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the	2 3 4 5 6	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building?
2 3 4 5 6 7	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the ID was valid?	2 3 4 5 6 7	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building? A. No.
2 3 4 5 6 7 8	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the ID was valid? MS. PRIVETERRE: Which ID?	2 3 4 5 6 7 8	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building? A. No. Q. Did anybody tell you that shield
2 3 4 5 6 7 8 9	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the ID was valid? MS. PRIVETERRE: Which ID? MR. ZELMAN: The Transit	2 3 4 5 6 7 8 9	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building? A. No. Q. Did anybody tell you that shield was forged at 26 Federal Plaza, did anybody
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2 3 4 5 6 7 8 9 10 11 12 13	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the ID was valid? MS. PRIVETERRE: Which ID? MR. ZELMAN: The Transit Authority ID. MS. PRIVETEERE: Is that correct? THE WITNESS: Yes.	2 3 4 5 6 7 8 9 10 11 12 13	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building? A. No. Q. Did anybody tell you that shield was forged at 26 Federal Plaza, did anybody that day tell you that this shield was forged? A. No. Q. It was your decision? A. Well, the question my
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the ID was valid? MS. PRIVETERRE: Which ID? MR. ZELMAN: The Transit Authority ID. MS. PRIVETERE: Is that correct? THE WITNESS: Yes. Q. When you arrested Mr. Dikler, did you feel that he had any intent to deceive anybody about the fact that he worked at the Transit Authority? MS. PRIVETERRE: Objection to the form. He is not a mind reader. What are you asking? MR. ZELMAN: You could object to the form, but you can't ask questions. That is all you could do.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building? A. No. Q. Did anybody tell you that shield was forged at 26 Federal Plaza, did anybody that day tell you that this shield was forged? A. No. Q. It was your decision? A. Well, the question my decision, you mean based on what? Q. Based upon your investigation that the shield was forged. A. Yes. Q. Did anyone participate in that decision and tell you, I think it is forged, or I don't think it is forged? MS. PRIVETERRE: Objection to the form. A. I don't understand question.

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	Page 34	Ι.	Page 36
1	M. Visconti	1	M. Visconti
2	about whether or not the shield was forged?	2	A. Yes.
3	MS. PRIVETERRE: When?	3	Q. What was that?
4	MR. ZELMAN: On March 22.	4	A. Bus drivers do not have shields.
5	MS. PRIVETERRE: The whole day?	5	Q. Where did you learn that
6	MR. ZELMAN: The whole day.	6	information from?
7	MS. PRIVETERRE: The whole day	7	A. I had spoken to someone at the
8	before the arrest?	8	MTA.
9	MR. ZELMAN: The whole day.	9	Q. So you personally knew that bus
10	A. Yes.	10	drivers were not supposed to have shields?
11	Q. Who did you speak to?	11	A. Yes.
12	A. I don't remember. There were	12	Q. Do you remember the person who
13	several people there.	13	told you that?
14	Q. When you say there, do you mean	14	A. No.
15	at 26 Federal Plaza?	15	Q. Before you arrested Mr. Dikler,
16	A. Yes.	16	did you ask him where he got this shield?
17	Q. Do you remember if you spoke to	17	A. Me specifically, no.
18	the NYPD or to someone else?	18	Q. Did you find out where he got
19	A. My partner was with me.	19	the shield before you made the arrest?
20	Q. Who is your partner?	20	A. Yes.
21	A. I don't know who my partner was	21	Q. And how did you find that out?
22	on that day, I am not sure.	22	A. He had made statements to others
23	Q. What did he or she say to you?	23	indicating that he purchased it from someone.
24	A. I don't remember.	24	Q. Did you find out what he had
25	Q. Did it influence you about	25	said?
	Page 35		Page 37
1	M. Visconti	1	M. Visconti
2	whether or not to perform this arrest?	2	 A. Specifically, what I had just
3	A. No.	3	stated.
4	Q. More so than anything else, you	4	Q. Which was what?
5	did this arrest because the instruction sheet	5	 A. He purchased it from someone
6	did not allow Mr. Dikler to carry this	6	else.
7	particular shield?	7	Q. Did you find out where he had
8	MS. PRIVETERRE: Please read	8	purchased it?
9	back the question.	9	A. No.
10	[The requested portion of the	10	Q. Do you know if he purchased it
11	record was read.]	11	on MTA property or not?
12	MS. PRIVETERRE: Objection to	12	A. I don't know.
13	the form.	13	Q. Is it true, the fact that Mr.
14	MR. ZELMAN: That is all you	14	Dikler worked at the Transit Authority had no
15	could say.	15	bearing on whether or not he was going to be
16	MS. PRIVETERRE: More or less,	16	arrested on that day?
17	do you understand what the question is	17	MS. PRIVETERRE: Objection to
18	asking or purports to ask?	18	the form.
19	THE WITNESS: Yes, but it is	19	You could answer if you
20	kind of general.	20	understand the question.
21	Q. Other than instructions you got	21	A. I don't really understand it.
22	from the instruction sheet, was there any	22	Q. The fact that he worked at the
23	other factor which you used to make a	23	MTA or at the Transit Authority was irrelevant
24	determination to do the arrest with Mr.	24	to this arrest; is that correct?
25	Dikler?	25	MS. PRIVETERRE: Objection to
		1	

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	Page 38		Page 40
1	M. Visconti	1	M. Visconti
2	the form.	2	MS. PRIVETERRE: Objection to
3	A. How do you mean that?	3	the form.
4	Q. When you made the arrest, it was	4	A. Specifically?
5	not your claim that he was not working at the	5	Q. Yes.
6	Transit Authority and trying to trick people	6	 A. You would have to rephrase the
7	into believing that he was working at the	7	question.
8	Transit Authority; is that correct?	8	Q. When the Federal Protective
9	MR. SILVERMAN: Objection to	9	Service was called, were they telling you they
10	the form.	10	wanted to do an arrest or that the NYPD should
11	MS. PRIVETERRE: Objection to	11	investigate whether or not to do an arrest?
12	the form.	12	MS. PRIVETERRE: Do you
13	Could you rephrase that, please,	13	understand what is being asked?
14	Mr. Zelman?	14	A. If you could rephrase the
15	MR. ZELMAN: I will withdraw	15	question, I'm sorry.
16	the question.	16	Q. When the Federal Protective
17	Q. Do you know if every badge that	17	Service was called
18	went through 26 Federal Plaza was	18	A. Yes.
19	investigated?	19	Q what would they say?
20	MS. PRIVETERRE: At what time	20	A. In general, there is someone
21	frame?	21	here with a forged shield.
22	MR. ZELMAN: At any time.	22	Q. They would say it is forged?
23	MS. PRIVETERRE: The time frame	23	A. Yes.
24	that he had been called there?	24	Q. Do you know how they made a
25	MR. ZELMAN: Let's say in 2006.	25	determination it was forged?
l .	Page 39		Page 41
1	M. Visconti	1	M. Visconti
2	Q. Were you aware of a policy in	2	MS. PRIVETERRE: Again, we are
3	Federal Plaza that all badges had to be	3	talking about generally and not about

[25	MR. ZELMAN. Let'S Say III 2000.	25	determination it was rorged?
	Page 3	7	Page 41
1	M. Visconti	1	M. Visconti
2	Q. Were you aware of a policy in	2	MS. PRIVETERRE: Again, we are
3	Federal Plaza that all badges had to be	3	talking about generally and not about
4	investigated?	4	the Dikler arrest?
5	A. Yes.	5	MR. ZELMAN: Right.
6	Q. When did you become aware of	6	MR. SILVERMAN: Objection to
7	that?	7	the form.
8	A. I don't remember.	8	Q. Generally speaking.
9	Q. What did you become aware of?	9	A. They were trained.
10	 A. They would notify us if someone 	10	Q. You didn't speak to the Federal
11	was found to be in possession of a shield.	11	Protective Services over the phone while you
12	Q. When you say they, who are you	12	were at internal affairs; is that correct?
13	referring to?	13	MS. PRIVETERRE: Objection to
14	A. 26 Federal Plaza.	14	the form.
15	Q. Who at 26 Federal Plaza would	15	A. On what date?
16	tell you that?	16	Q. March 22.
17	 A. Federal Protective Service. 	17	A. I don't think I spoke to them.
18	Q. Was the Federal Protective	18	Q. When you arrived at 26 Federal
19	Service called up in the NYPD or would they	19	Plaza, did you speak to someone at the federal
20	call up internal affairs?	20	agency?
21	A. Yes.	21	A. Yes.
. 22	Q. Would they tell internal affairs	22	Q. Who?
23	we have here a fake badge or we have a badge	23	A. I don't remember.
24	that we want you to look into or something	24	Q. What did that person tell you?
25	else?	25	A. Mr. Dikler had gone through a
Ь		1,000,000	

		1	
	Page 42		Page 44
1	M. Visconti	1	M. Visconti
2	metal detector at the entrance and it was in	2	Plaza, did you just put him in handcuffs?
3	the pocket of a jacket, the shield that he had	3	A. No.
4	in his possession.	4	Q. Did you investigate the badge?
5	Q. Did the Federal Protective	5	Did you look at the badge?
6	Service tell you it was a forged shield?	6	A. Yes.
7	A. Yes.	7	Q. What else did you do besides
8	Q. Did you ask them why they	8	look at it?
9	thought it was forged?	9	A. I don't know what you mean, what
10	MR. SILVERMAN: Objection to	10	else?
11	the form.	11	Q. You don't know what I mean?
12	MS. PRIVETERRE: I join.	12	A. No. Are you
13	Do you understand the question?	13	MS. PRIVETERRE: No, no, no,
14	A. If you could rephrase it.	14	you already told him you don't
15	Q. Did you ask him why he thought	15	understand what he means. Let him
16	that the shield was forged?	16	rephrase it.
17	MS. PRIVETERRE: Are you	17	Q. When you got to 26 Federal
18	talking about the Federal Protective	18	Plaza, before you placed Mr. Dicker under
19	Service agency?	19	arrest, did you investigate the badge to
20	MR. ZELMAN: Yes.	20	determine whether or not it was forged or not?
21	MS. PRIVETERRE: Agency?	21	A. Yes.
22	MR. ZELMAN: Yes.	22	Q. How?
23	A. I don't remember.	23	 A. Simply by looking at it.
24	Q. When you got to the scene it was	24	Q. Anything else?
25	your determination to make about whether or	25	A. No.
	Page 43		Page 45
1 4	_		
	M. Visconti	1	M. Visconti
1 2	M. Visconti	1 2	M. Visconti O. And you could tell by looking at
2	not it was forged?	2	Q. And you could tell by looking at
2	not it was forged? A. Yes.	2 3	Q. And you could tell by looking at it that it was a forged badge?
2 3 4	not it was forged? A. Yes. MS. PRIVETERRE: Objection to	2 3 4	Q. And you could tell by looking at it that it was a forged badge? A. Yes.
2 3 4 5	not it was forged? A. Yes. MS. PRIVETERRE: Objection to the form.	2 3 4 5	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that?
2 3 4 5 6	not it was forged? A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure	2 3 4 5 6	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge
2 3 4 5 6 7	not it was forged? A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26	2 3 4 5 6 7	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it.
2 3 4 5 6 7 8	not it was forged? A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular	2 3 4 5 6 7 8	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of
2 3 4 5 6 7 8	not it was forged? A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge?	2 3 4 5 6 7 8 9	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	not it was forged? A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it? A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it? A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it? A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests? MS. PRIVETERRE: Objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	not it was forged? A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to was prior to the arrest, can you describe	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it? A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests? MS. PRIVETERRE: Objection. A. I am not sure.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to was prior to the arrest, can you describe anything that you did or investigated about	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it? A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests? MS. PRIVETERRE: Objection. A. I am not sure. Q. How about after this arrest, did
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to was prior to the arrest, can you describe anything that you did or investigated about this badge before you made the decision to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it? A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests? MS. PRIVETERRE: Objection. A. I am not sure. Q. How about after this arrest, did you arrest any other Transit Authority
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to was prior to the arrest, can you describe anything that you did or investigated about this badge before you made the decision to place Mr. Dikler under arrest?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it? A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests? MS. PRIVETERRE: Objection. A. I am not sure. Q. How about after this arrest, did you arrest any other Transit Authority employees for carrying a badge?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to was prior to the arrest, can you describe anything that you did or investigated about this badge before you made the decision to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And you could tell by looking at it that it was a forged badge? A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it? A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests? MS. PRIVETERRE: Objection. A. I am not sure. Q. How about after this arrest, did you arrest any other Transit Authority

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1	M. Visconti	1	M. Visconti
2	possession of the badge? Did someone hand it	2	Q. Are you talking about your memo
3	to you?	3	book?
4	A. I don't remember.	4	A. No.
5	Q. Do you remember if you saw it on	5	Q. What type of notes are you
6	a desk?	6	talking about?
7	A. I don't remember.	7	A. Arrest paperwork.
8	Q. Did you ever speak to Mr. Dikler	8	Q. In other words it's what you
9	about the badge?	9	would enter on the computer?
10	A. Yes.	10	MS. PRIVETERRE: Is that a
11	Q. What did you ask him?	11	question?
12	A. I don't remember.	12	MR. ZELMAN: Yes.
13	Q. Do you remember what he	13	Q. I am asking you what type of
14	responded?	14	notes were these? Were these handwritten
15	A. I don't remember.	15	notes?
16	Q. Do you have any memo book notes	16	A. Yes.
17	that would assist you in determining that?	17	Q. What do you do with the
18	A. No.	18	handwritten notes after the arrest?
19	Q. Any other documentation that	19	A. It stays with the folder.
20	would assist you in determining what Mr.	20	Q. So it is in the folder at the
21	Dikler told you?	21	internal affairs bureau?
22	A. No.	22	A. Yes.
		23	
23	Q. Do you recall if he told you that he worked at the MTA?	24	Q. Did you look at that in
24		25	preparation for today's deposition? A. Yes.
25	A. Yes.	23	A. 165.
	Page 47		Page 49
1	M. Visconti	1	M. Visconti
2	-	2	-
	M. Visconti		M. Visconti
2	M. Visconti Q. Do you recall anything else that	2	M. Visconti Q. But you did not bring it with
2 3	M. Visconti Q. Do you recall anything else that he said?	2 3	M. Visconti Q. But you did not bring it with you?
2 3 4	M. Visconti Q. Do you recall anything else that he said? A. No.	2 3 4	M. Visconti Q. But you did not bring it with you? A. No.
2 3 4 5	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back	2 3 4 5	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the
2 3 4 5 6	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct?	2 3 4 5 6	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder?
2 3 4 5 6 7	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes.	2 3 4 5 6 7	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that
2 3 4 5 6 7 8	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone	2 3 4 5 6 7 8	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question. Q. You have an internal affairs
2 3 4 5 6 7 8 9	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone call? A. I don't remember.	2 3 4 5 6 7 8 9	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question.
2 3 4 5 6 7 8 9 10	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone call?	2 3 4 5 6 7 8 9	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question. Q. You have an internal affairs folder on Mr. Dikler; is that correct?
2 3 4 5 6 7 8 9 10	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone call? A. I don't remember. Q. Do you recall telling Mr. Dikler that it is better for him to call in sick	2 3 4 5 6 7 8 9 10 11	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question. Q. You have an internal affairs folder on Mr. Dikler; is that correct? A. Internal affairs folder is not really the right term, it is a broad term.
2 3 4 5 6 7 8 9 10 11 12	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone call? A. I don't remember. Q. Do you recall telling Mr. Dikler	2 3 4 5 6 7 8 9 10 11 12	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question. Q. You have an internal affairs folder on Mr. Dikler; is that correct? A. Internal affairs folder is not really the right term, it is a broad term. Q. How would you define it?
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`2 i3	Q.	What is the name of that folder? folder have a name?	2	paperwork at the internal affairs office? A. Yes.
			4	A. Yes. O. You indicated that there is
4	Α.	No.		•
5	Q.	Does it say "Mr. Dikler" on it?	5	something from the Federal Protective agency;
6 7	Α.	I have my own folder.	6	is that it?
1	Q.	So this is your own personal	7	MS. PRIVETERRE: Objection to
8		t at internal affairs?	8	the form.
9	Α.	Yes.	9	Q. What is the name of the federal
10	Q.	Whose affidavit is this in that	10	agency?
11	folder?	7 4144	11	A. I am not certain. I believe it
12	Α.	I don't understand.	12	is Federal Protective Service.
13	Q.	You said you looked at an	13	Q. You indicated just now there is
14		n the folder; is that right?	14	a document in the folder from the Federal
15	Α.	Yes.	15	Protective Service.
16	Q.	Who signed the affidavit?	16	Was that a document referring to
17	Α.	I did.	17	Mr. Dikler himself or just generally about
18	Q.	What did the affidavit state?	18	shields and badges?
19	Α.	I don't remember specifically.	19	A. You have to rephrase that
20	Q.	In general, what was it about?	20	question.
21	Α.	It was in reference to the	21	Q. Did that document that you just
22	shield.		22	referred to from the Federal Protective
23	Q.	What did it say about the	23	Service relate to Mr. Dikler specifically?
24	shiel d ?		24	Did it list his name?
25	A.	It was a forged shield.	25	A. Yes, in regard to this incident.
		Page 51		Page 53
1		Page 51 M. Visconti	1	Page 53 M. Visconti
1 2	Q.	M. Visconti	1 2	M. Visconti
	_	M. Visconti Is there anything else in the		M. ViscontiQ. So it was a document prepared
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	affidavit fa. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo. A. affidavit, paperword in regard photo. Maybe a	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the Yes. What was contained in your notes lder? An online booking sheet, the handwritten notes, the lek from the Federal Protective Service to the shield. A central booking think that is probably about it. few other — that is about it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes. MS. PRIVETERRE: Why don't you show him the initial disclosure. MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want. MS. PRIVETERRE: Are you going to mark it as an exhibit? MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest? A. I don't know. Q. Do you know if he was involved in the arrest in any manner? A. No. Q. Sergeant Robert Allay, did you speak to him about the arrest in any way?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	affidavit A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo A. affidavit, paperwor in regard photo. Maybe a Q. at the int	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the Yes. What was contained in your notes lider? An online booking sheet, the handwritten notes, the lek from the Federal Protective Service to the shield. A central booking think that is probably about it. few other — that is about it. You have that information held ernal affairs office?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes. MS. PRIVETERRE: Why don't you show him the initial disclosure. MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want. MS. PRIVETERRE: Are you going to mark it as an exhibit? MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest? A. I don't know. Q. Do you know if he was involved in the arrest in any manner? A. No. Q. Sergeant Robert Allay, did you speak to him about the arrest in any way? A. I don't know. Q. Do you know if he was involved
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	affidavit in A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo A. affidavit, paperwork in regard photo. Maybe a Q.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the Yes. What was contained in your notes lder? An online booking sheet, the handwritten notes, the k from the Federal Protective Service to the shield. A central booking think that is probably about it. few other that is about it. You have that information held	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes. MS. PRIVETERRE: Why don't you show him the initial disclosure. MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want. MS. PRIVETERRE: Are you going to mark it as an exhibit? MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest? A. I don't know. Q. Do you know if he was involved in the arrest in any manner? A. No. Q. Sergeant Robert Allay, did you speak to him about the arrest in any way? A. I don't know.

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	Page 54		Page 56
1	M. Visconti	1	M. Visconti
` 2	same question, did you speak to him about this	2	Q. At any time did you speak to him
3	arrest?	3	about the arrest?
4	 A. He would have probably been my 	4	A. No.
5	partner.	5	Q. Lieutenant Robert Stapleton, did
6	 Q. Do you recall speaking to him 	6	you speak to him at all about this arrest?
7	about the arrest?	7	 A. I am not even sure who that is.
8	A. I don't understand the question.	8	Q. Did you ever learn what became
9	Q. Do you recall speaking to him	9	of Mr. Dikler's prosecution?
10	about this arrest at any time?	10	A. Yes.
11	A. Yes.	11	Q. What?
12	Q. When?	12	A. It was sealed. Apparently, the
13	A. I guess on the date of the	13	arrest was thrown out of court.
14	arrest.	14	Q. When did you first learn that
15	Q. At any other time did you speak	15	information?
16	to him or was it only on that date?	16	A. When I found out I was being
17	A. I don't understand the question.	17	sued.
18	Q. At any other time did you speak	18	Q. You indicated earlier that you
19	to Detective Gregory McCain about Mr. Dikler's	19	spoke to the DA about the case on March 22.
20	arrest other than on March 22, 2006?	20	A. Yes.
21	A. Yes.	21	Q. Was that the last time you spoke
22		22	to the DA about the case?
1		23	A. Yes.
23	A. Everybody in my office probably	24	
24	knew I was getting sued.	25	Q. Were you ever called to testify in court?
25	Q. I guess my question is this, on	25	iii coult:
	Page 55		Page 57
1	M. Visconti	1	M. Visconti
2	March 22, 2006, what did you speak to him	2	A. I don't remember.
3	about?	3	Q. Did the DA tell you anything
4	A. I don't remember.	4	about the case?
5	MS. PRIVETERRE: That is a	5	A. Not that I remember.
6	different question now.	6	Q. The DA had you sign a criminal
7	Q. You don't recall anything he	7	court complaint?
8	said about this?	8	A. Yes.
9	A. No, I don't recall.	9	Q. Did you review that before you
10	Q. Do you know if Detective Gregory	10	signed it?
11	McCain was involved in the arrest in any way	11	A. Yes.
12	other than the fact you spoke to him about it?	12	Q. Mr. Dikler, do you recall if he
13	Did he prepare any paperwork on it, if you	13	came with anyone to 26 Federal Plaza?
1		1	MS. PRIVETERRE: Do you know
14	know?	14	MIS. FRIVE I LAKE. DO YOU KITOW
14 15			•
15	A. If he was my partner he might	15	that?
15 16	A. If he was my partner he might have done some of the paperwork for me, and	15 16	that? A. I was told that he did, yes.
15 16 17	A. If he was my partner he might have done some of the paperwork for me, and entered it into the computer.	15 16 17	that? A. I was told that he did, yes. Q. Do you recall if he was allowed
15 16 17 18	A. If he was my partner he might have done some of the paperwork for me, and entered it into the computer. Q. Do you know if he did that?	15 16 17 18	that? A. I was told that he did, yes. Q. Do you recall if he was allowed to go to his appointment before his arrest?
15 16 17 18 19	A. If he was my partner he might have done some of the paperwork for me, and entered it into the computer. Q. Do you know if he did that? A. Probably, but I am not sure.	15 16 17 18 19	that? A. I was told that he did, yes. Q. Do you recall if he was allowed to go to his appointment before his arrest? MR. SILVERMAN: Note my
15 16 17 18 19 20	A. If he was my partner he might have done some of the paperwork for me, and entered it into the computer. Q. Do you know if he did that? A. Probably, but I am not sure. Q. Detective Mark DaTorro, does	15 16 17 18 19 20	that? A. I was told that he did, yes. Q. Do you recall if he was allowed to go to his appointment before his arrest? MR. SILVERMAN: Note my objection to the form.
15 16 17 18 19 20 21	A. If he was my partner he might have done some of the paperwork for me, and entered it into the computer. Q. Do you know if he did that? A. Probably, but I am not sure. Q. Detective Mark DaTorro, does that name sound familiar to you?	15 16 17 18 19 20 21	that? A. I was told that he did, yes. Q. Do you recall if he was allowed to go to his appointment before his arrest? MR. SILVERMAN: Note my objection to the form. A. I don't remember.
15 16 17 18 19 20	A. If he was my partner he might have done some of the paperwork for me, and entered it into the computer. Q. Do you know if he did that? A. Probably, but I am not sure. Q. Detective Mark DaTorro, does	15 16 17 18 19 20	that? A. I was told that he did, yes. Q. Do you recall if he was allowed to go to his appointment before his arrest? MR. SILVERMAN: Note my objection to the form.

22, at any time about this arrest?

No.

24

25

Α.

24 but allow the person to go to their

25 immigration appointment and then come back to

	Page 58		Page 60
1	M. Visconti	1	M. Visconti
`2	the office?	2	MS. PRIVETERRE: He is asking
3	MS. PRIVETERRE: Objection to	3	you, specifically.
4	the form. Are you aware of what the	4	MR. ZELMAN: You cannot stop him
5	policy of 26 Federal Plaza is?	5	from answering a question.
6	THE WITNESS: Specifically, no.	6	If this happens one more time, I
7	MR. ZELMAN: Counsel, you	7	am calling the judge. You cannot jump
8	cannot suggest an answer, you could only	8	in and give him your two cents.
9	object.	9	MS. PRIVETERRE: Yes or no? Do
10	Q. Are you aware if Mr. Dikler was	10	you understand the question?
11	allowed to go to his appointment on March 22,	11	[The requested portion of the
12	2006?	12	record was read.]
13	MR. SILVERMAN: Note my	13	MR. ZELMAN: This is the last
14	objection to the form.	14	time, counsel. I am warning you, I
15	A. I don't remember.	15	will pick up the phone and I will call.
16	Q. How long after Mr. Dikler	16	MS. PRIVETERRE: We have been
17	arrived at 26 Federal Plaza and his badge was	17	through that before.
18	confiscated, did you arrive at 26 Federal	18	MR. ZELMAN: He is answering
19	Plaza?	19	the question and you cannot interrupt
20	MS. PRIVETERRE: Do you know?	20	me.
21	A. I think it was a few hours.	21	MS. PRIVETERRE: Do what you
22	Q. A few hours?	22	will.
23	A. Yes.	23	MR. ZELMAN: Please read back
24	Q. Where is your office in internal	24	the question and answer.
25	affairs?	25	[The requested portion of the
	dirano.		L
	Page 59		Page 61
1	M. Visconti	1	M. Visconti
2	A. Long Island City.	2	record was read.]
3	Q. Long Island City?	3	MS. PRIVETERRE: Read back the
4	A. Yes.	4	last question and answer again for me,
5	Q. So you had to go from Long	5	please.
6	Island City to 26 Federal Plaza?	6	The requested portion of the
7	A. I don't think I was in my office	7	record was read.]
8	at the time.	8	(Brief recess.)
9	Q. Do you recall where you were	9	Q. Prior to the arrest of Mr.
10	when you received this call?	10	Dikler, did you check his arrest record?
11	A. No.	11	A. No.
12	Q. Do you recall how long it took	12	Q. Do you know if he had ever been
13	you to get to 26 Federal Plaza?	13	arrested before?
14	A. No.	14	A. I am not sure.
15	Q. Do you know if it was more than	15	Q. Were there any phone calls
16	an hour?	16	between you and the DA at any time?
17	A. Not for certain, no.	17	A. Yes.
18	Q. Was it your understanding that	18	Q. How many?
19	Mr. Dikler could go out of the building while	19	A. I don't remember.
20	he was waiting for you to arrive at 26 Federal	20	Q. Phone calls regarding Mr.
21	Plaza, or was it your understanding that he	21	Dikler?
	· · · · · · · · · · · · · · · · · · ·	22	A. Yes.
22	was already in custody?	23	
23	A. Generally, when they call us	24	Q. Do you recall the nature of those phone conversations?
24			
24 25	they are already in the building. I don't know if he was really in custody.	25	A. With regard to the arrest?

1 M. Visconti 2 Q. Specifically. 3 A. Details of the arrest. 4 Q. Do you remember any specific 5 questions that the DA asked? 6 A. No. 7 Q. Do you remember any answers that 8 you gave? 9 A. Specifically, no. Q. In general. 11 A. No. Q. Did you call the DA or did the 12 A. Both. 13 DA call you or both? 14 A. Both. 15 Q. Was this all on March 22? 16 A. I am not sure. 17 Q. It is possible that you spoke to 18 the DA after March 22, regarding Mr. Dikler? 19 A. Yes. 20 Do you think that you did? 21 Q. Do you believe that you did? 22 Q. Do you believe that you did? 23 question. 24 Q. Do you believe that you did? 25 A. Rephrase the question again in 2 A. No. 2 A. I don't remember. 2 A. I am not sure. 2 Q. Did you inquire in writing? Did 2 you inquire orally? 3 A. Orally. 4 O. Do you don't recall who you spoke to 4 O. Do you remember who you called? 4 A. No. 4 O. Do you remember what the 5 DA call you or both? 4 A. Both. 5 Q. Do you remember what the 6 Q. Do you remember what the 7 you don't recall who you spoke to 12 A. No. 13 Q. Do you recall who you called? 14 A. The MTA. 15 Q. Do you remember what the 16 response was that you got? 17 A. Yes. 18 Q. What was it? 19 A. Yes. 20 Q. But you do not know who said 21 Q. But you do not know who said 22 that? 23 A. No. 24 Q. And it was not in writing? 25 A. No.					3
1 M. Visconti 2 Q. Specifically. 3 A. Details of the arrest. 4 Q. Do you remember any specific questions that the DA asked? 5 A. No. 7 Q. Do you remember any answers that you gave? 9 A. Specifically, no. 9 Q. Did you call the DA or did the 12 Q. Did you call the DA or did the 12 Q. Did you call the DA or did the 13 DA call you or both? 11 A. No. 12 Q. Did you call the DA or did the 13 DA call you or both? 13 DA call you or both? 14 A. Both. 15 Q. Was this all on March 22? 16 A. I am not sure. 16 A. I am not sure. 17 Q. It is possible that you spoke to 18 the DA after March 22, regarding Mr. Dikler? 18 the DA after March 22, regarding Mr. Dikler? 19 A. Yes. 20 Q. Do you think that you did? 21 Ms. PRIVETERRE: Objection. 21 Q. Do you believe that you did? 22 A. You have to rephrase the 22 that? 23 question. 24 Q. Do you believe that you gid? 25 A. Rephrase the question again in 26 M. Visconti 1 regard to that. 27 Q. Do you believe that you spoke to 4 the DA with regard to Mr. Dikler after March 122? 28 A. You have to rephrase the 22 conder and that have changed your decision about whether 10 that had purchased his badge on MTA property, would that have changed your decision about whether 11 had purchased his badge on MTA property, would that have changed your decision about whether 12 to effectuate an arrest? 28 Ms. PRIVETERRE: When? 29 A. Yes. 20 Q. Did you ever inquire of the MTA 15 if it allowed its workers to purchase badges on its premises? 21 Ms. PRIVETERRE: When? 22 A. No. 23 Question. 24 A. No. 25 Ms. PRIVETERRE: Did I object to that question about thad he ever seen an MTA shield? 26 Ms. PRIVETERRE: Did I object to that question about had he ever seen an ATA shield? 27 Ms. PRIVETERRE: Did I object to that question about had he ever seen an ATA shield? 28 Ms. PRIVETERRE: Did I object to that question about had he ever seen an ATA shield? 29 Ms. PRIVETERRE: Did I object to that question about had he ever seen an ATA shield? 29 Ms. PRIVETERRE: Did I object to that question about had he ever seen an ATA shield		Page 62			Page 64
2 Q. Specifically. 4 Q. Do you remember any specific questions that the DA asked? 5 questions that the DA asked? 6 A. No. 9 Q. Do you remember any answers that you gave? 9 A. Specifically, no. Q. In general. 10 A. No. 11 A. No. 11 A. No. 12 Q. Did you call the DA or did the 12 A. No. 15 Q. Was this all on March 22? 16 A. I am not sure. 17 Q. Was this all on March 22? 18 A. Orally. 19 A. Both. 10 Q. Was this all on March 22? 19 A. Yes. 10 Q. Do you think that you spoke to the DA with regard to that. 20 Q. Do you believe that you did? 21 A. You have to rephrase the question again in 22 A. You have to rephrase the question again in 23 M. Visconti 24 Q. Do you believe that you spoke to the DA with regard to Mr. Dikler after March 22, a. You have to rephrase the question again in 24 Q. Do you believe that you spoke to the DA with regard to Mr. Dikler after March 22, a. You have to rephrase the question about whether to DA with regard to march 22? 27 Q. You believe it happened all on March 22? 28 A. No. 29 Q. You believe it happened all on March 22? 30 Q. Do you believe that you spoke to the DA with regard to Mr. Dikler after March 22, a. Yes. 31 Q. Ti you had known that Mr. Dikler after March 22, a. Yes. 32 Q. Do you believe that you spoke to that DA with regard to Mr. Dikler after March 22, a. You have thanged your decision about whether to different an arrest? 31 D. A. No. 32 A. No. 33 Q. — before or after the March 22, 200 inquire orally? 34 A. No. 35 Page 65 A. No. 36 Do you premember any answers that you gove and the march 22, 200 Do you remember what the pour march 22 in the DA with regard to Mr. Dikler after March 22, 200 Do you believe that you spoke to that Q. Do you or remember what the premation of the page 65 A. No. 46 Q. Do you decision about whether 10 A. No. 47 Q. You believe it happened all on Mr. Dikler after March 22, 2006? 48 A. No. 49 Q. March 22? 40 A. No. 40 Q. Did you ever inquire of the MTA 15 A. No. 40 Q. Did you believe that you gove and the page of the MTA 15 A. No. 40 Q. Did you believe t	1		Ι.		-
A Details of the arrest. Q Do you remember any specific formal content of the present of the pre	1	.	2	Α.	
Q. Do you remember any specific 6 A. No. 7 Q. Do you remember any answers that 8 you gave? 9 A. Specifically, no. 10 Q. In general. 11 A. No. 12 Q. Did you call the DA or did the 12 A. Both. 13 DA call you or both? 14 A. Both. 15 Q. Was this all on March 22? 16 A. I am not sure. 17 Q. Did you call the DA or did the 18 A. Specifically. 19 A. Yes. 10 Do you believe that you spoke to 19 A. You have to rephrase the 20 Q. Do you believe that you did? 21 M. Visconti 22 Q. Do you believe that you did? 23 A. No. 24 Q. Do you believe that you did? 25 A. Rephrase the question again in 26 A. No. 27 Q. You don't recall who you spoke to 18 M. Visconti 19 A. The MTA. 20 What was it? 19 A. They are not allowed to have 21 Q. But you do not know who said 22 that? 23 A. No. 24 Q. Do you believe that you did? 25 A. Rephrase the question again in 26 M. Visconti 27 Rephrase the question again in 28 March 222; 29 A. Yes. 20 Q. You believe it happened all on 29 A. Yes. 20 Q. You believe it happened all on 20 Miscrease on MTA property, would that have changed your decision about whether to deffectuate an arrest? 20 Q. Did you ever inquire of the MTA if if allowed its workers to purchase badges 29 A. Yes. 30 Q. Did you ever inquire of the MTA if if it allowed its workers to purchase badges 31 on its premises? 42 M. PRIVETERRE: When? 43 M. Visconti 44 A. No. 45 March 227: 46 A. No. 47 M. Visconti 48 M. Visconti 49 D. What was it? 40 D. But you do not know who said that we changed your decision about whether to the Da with regard to that. 40 D. Wisconti 41 M. Visconti 42 M. No. 43 M. Visconti 44 M. No. 45 M. No. 66 M. No. 67 M. Visconti 67 M. Wisconti 68 March 227: 69 M. No. 60 M. Visconti 70 M. Visconti 71 M. Nisconti 72 M. No. 73 M. No. 74 M. No. 75 M. No. 76 M. No. 77 M. No. 78 M. No. 79 M. Visconti 79 M. Visconti 70 M. Nisconti 71 M. Nisconti 71 M. Nisconti 71 M. Nisconti 71 M. Nisconti 72 M. No. 73 M. No. 74 M. No. 75 M. No. 76 M. No. 77 M. No. 78 M. No. 79 M. No. 79 M. No. 79 M. No. 70 M. No. 70 M. No. 71 M. Nisconti 71 M. Nisconti					
5 questions that the DA asked? 6 A. No. 7 Q. Do you remember any answers that 8 you gave? 9 A. Specifically, no. 10 Q. In general. 11 A. No. 12 Q. Did you call the DA or did the 13 DA call you or both? 14 A. Both. 15 Q. Was this all on March 22? 16 A. I am not sure. 17 Q. Did you call the DA or did the 18 the DA after March 22, regarding Mr. Dikler? 19 A. Yes. 10 Do you think that you did? 21 Ms. PRIVETERRE: Objection. 22 Q. Do you think that you did? 23 question. 24 Q. Do you think that you did? 25 A. Rephrase the question again in 26 A. No. 27 Q. Do you believe that you spoke to 28 the DA after March 22, regarding Mr. Dikler? 29 A. You have to rephrase the. 20 Q. Do you believe that you did? 21 Ms. PRIVETERRE: Objection. 22 Q. Do you believe that you did? 23 question. 24 Q. Do you believe that you spoke to 25 A. Rephrase the question again in 26 A. No. 27 Q. To you believe that you spoke to 28 the DA after March 25 (D. Did you do not know who said 29 A. Rephrase the question again in 20 Do you believe that you spoke to 21 M. Visconti 22 A. No. 23 Q. Do you believe that you spoke to 24 Q. Do you believe that you spoke to 25 A. No. 26 A. No. 7 Q. You bothic that you spoke to 27 A. No. 8 March 22? 9 A. Yes. 10 Q. If you inad known that Mr. Dikler 11 had purchased his badge on MTA property, would that have changed your decision about whether 13 to effectuate an arrest? 14 A. No. 15 Q. Did you ever inquire of the MTA 15 Ms. PRIVETERRE: When? 16 Ms. PRIVETERRE: In his capacity 17 Ms. PRIVETERRE: In his capacity 18 Ms. PRIVETERRE: In his capacity 19 Ms. PRIVETERRE: as an officer? 19 Ms. PRIVETERRE: as an officer? 10 Ms. PRIVETERRE: as an officer? 11 Ms. PRIVETERRE: as an officer? 12 Ms. PRIVETERRE: as an officer? 13 Ms. PRIVETERRE: as an officer? 14 A. No. 15 Q. Did you ever inquire of the MTA 16 Ms. PRIVETERRE: as an officer? 17 Ms. PRIVETERRE: as an officer? 18 Ms. PRIVETERRE: as an officer? 19 A. Rephrase the question. 19 Ms. PRIVETERRE: as an officer? 19 Ms. PRIVETERRE:			I		· · · · · · · · · · · · · · · · · · ·
6 A. No. Q. Do you remember any answers that 8 you gave? 9 A. Specifically, no. 10 Q. In general. 11 A. No. 12 Q. Did you call the DA or did the 13 DA call you or both? 14 A. Both. 15 Q. Was this all on March 22? 16 A. I am not sure. 17 Q. It is possible that you spoke to 18 the DA after March 22, regarding Mr. Dikler? 19 A. Yes. 20 Q. Do you think that you did? 21 Q. Do you believe that you did? 22 A. You have to rephrase the 23 question. 24 Q. Do you believe that you did? 25 A. Rephrase the question again in 26 A. No. 27 Q. You believe that you spoke to 38 A. Visconti 4 the DA with regard to Mr. Dikler after March 5 22, 2006? 4 A. No. 2 Page 63 A. Yes. 9 A. Yes. 9 A. Yes. 10 Q. If you had known that Mr. Dikler 11 Mr. Visconti 12 regard to that. 13 Q. Do you believe that you spoke to 14 the DA with regard to Mr. Dikler after March 15 Q. You believe it happened all on 16 A. No. 17 Q. You believe it happened all on 17 Q. You believe it happened all on 18 March 22? 9 A. Yes. 9 A. Yes. 19 A. Yes. 10 Q. If you had known that Mr. Dikler 11 had purchased his badge on MTA property, would 12 that have changed your decision about whether 13 DA call you or both? 14 A. No. 15 Q. Did you ever inquire of the MTA 16 A. No. 17 Mr. Visconti 18 Mr. Visconti 19 Mr. Visconti 11 Mr. Visconti 11 Mr. Visconti 11 Mr. Visconti 12 regard to that. 13 Mr. Visconti 14 A. No. 15 Q. Do you believe that you spoke to 16 Mr. Visconti 17 Mr. Visconti 18 Mr. Visconti 19 Mr. Visconti 10 Mr. Visconti 11 Mr. Visconti 11 Mr. Visconti 12 regard to that. 13 Mr. Visconti 14 Mr. Visconti 15 Mr. Visconti 15 Mr. Visconti 16 Mr. Visconti 17 Mr. Visconti 18 Mr. Visconti 19 Mr. Visconti 10 Mr. Visconti 11 Mr. Visconti 11 Mr. Visconti 12 regard to that. 13 Mr. Visconti 14 Mr. Visconti 15 Mr. Visconti 16 Mr. Visconti 17 Mr. Visconti 18 Mr. Visconti 19 Mr. Visconti 10 Mr. Visconti 11 Mr. Visconti 11 Mr. Visconti 12 No. PRIVETERRE: In his capacity — Mr. ZELMAN: Counsel, you can't ask questions. You could do. 16 Mrs. PRIVETERRE: Did I object to the question. 17 M		* * * * * * * * * * * * * * * * * * * *	I		
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18 MS. PRIVETERRE: When? 19 A. Rephrase the question. 20 MR. ZELMAN: Please read it 21 back. 22 [The requested portion of the 23 record was read.] 24 A. Yes. 28 A. Rephrase the question. 29 Now I want to object to the 20 question. 21 Q. Did you believe that Mr. Dikler 22 felt his badge was forged? 23 MS. PRIVETERRE: Objection to 24 the form.		· · · · · · · · · · · · · · · · · · ·		to th	
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22 [The requested portion of the 22 felt his badge was forged? 23 record was read.] 23 MS. PRIVETERRE: Objection to 24 the form.			1	•	
23 record was read.] 23 MS. PRIVETERRE: Objection to 24 the form.				_	
24 A. Yes. 24 the form.		_ , , , , , , , , , , , , , , , , , , ,	;	TOIL HIS D	
		-		the f	
20 Q. Wilding Know Glad.					
		A. MIICH		Α.	I Wouldn't MOW that.

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	Page 66		Page 68
1	M. Visconti	1	M. Visconti
<u>'</u> 2	Q. You didn't develop an opinion on	2	of badges would typically say?
<u>`</u> 3	that matter?	3	MS. PRIVETERRE: Objection.
4	MS. PRIVETERRE: Objection.	4	Objection to the word "typical."
5	A. No.	5	A. There is no
6	Q. Did he deny that it was a forged	6	Q. No typical badge?
7	badge?	7	A. No.
8	A. I don't remember	8	Q. In possessing the type of badge
9	Q. After you arrested Mr. Dikler,	9	that Mr. Dikler had, did you form an opinion
10	did you ever advise him about what would	10	as to whether or not he had an intent to
11	likely happen to his case?	11	deceive with it?
12	MS. PRIVETERRE: Objection.	12	MS. PRIVETERRE: Objection.
13	A. I don't remember.	13	A. No.
14	Q. Did you ever say that the	14	Q. You did not form an opinion?
15	forgery charge is likely to get dismissed?	15	A. No.
16	A. I don't remember.	16	Q. Do you have an opinion today
17	Q. Before you arrested Mr. Dikler,	17	about that?
18	did you have any knowledge about what the	18	A. No.
19	court would likely do with this case?	19	Q. Do you suspect that he was
20	MS. PRIVETERRE: Objection.	20	trying to deceive somebody with it or not?
21	A. No.	21	MS. PRIVETERRE: Objection.
22	Q. When you made the arrest of Mr.	22	Asked and answered.
23		23	
24	Dikler, it was not your contention that the	24	MR. SILVERMAN: Objection to
25	information contained within the badge was in	I	the form. A. I don't know.
23	any way inaccurate; is that correct?	25	A. I don't know.
	Page 67		Page 69
1	M. Visconti	1	M. Visconti
2	MS. PRIVETERRE: Objection.	2	Q. Who made the decision about the
3	May I have that read back?	3	arrest charges? Was it your decision or was
4	[The requested portion of the	4	it someone else's?
5	record was read.]	5	A. Mine.
6	MS. PRIVETERRE: Do you	6	Q. Do you recall what the arrest
7	understand that question?	7	charges were?
8	THE WITNESS: No, I did not.	8	 A. It was for the possession of a
9	Q. Was it your belief that the	9	forged instrument.
10	information contained within the badge was in	10	Q. Do you recall anything else?
11	any way inaccurate?	11	A. I am not sure.
12	MR. SILVERMAN: Objection to	12	Q. Was there also one charge for
13	the form.	13	the unauthorized use of detective
14	 A. I don't understand the question. 	14	identification, General Business Law Section
15	Q. Do you recall the information	15	80.
16	that the badge had on it?	16	A. I am not sure. That might have
17	A. Not specifically.	17	been one.
18	Q. Do you recall that it had Mr.	18	Q. That might have been one?
م ا	'•		The state of the s

- Q. Do you recall that it had Mr. That might have been one? 18 Q. 19 Dikler's name? 19 I am not sure. MS. PRIVETERRE: Objection. MS. PRIVETERRE: Are we going 20 20 21 Α. I don't remember. 21 to mark it as an exhibit, counselor? 22 Q. Do you remember any information 22 MR. ZELMAN: No, I am not. that was on the badge? 23 23 MS. PRIVETERRE: You are Specifically, no. 24 24 Α. referring to something.
 - Q. Do you remember what those types 25 MR. ZELMAN: I could look at

25

	Page 70		Page 72
1	M. Visconti	1	M. Visconti
١2	anything I want.	2	bulletin that I had explained about earlier.
ا 3	MS. PRIVETERRE: The witness	3	Q. That is the same instruction
4	does not have the benefit of seeing	4	sheet that you had from the Federal Protective
5	that.	5	Service or a different intelligent bulletin?
6	MR. ZELMAN: You could show him	6	MR. SILVERMAN: Note my
7	whatever you want. I am not here to	7	objection to the form.
8	prepare your witness.	8	MS. PRIVETERRE: I join.
9	MS. PRIVETERRE: You are	9	Q. What intelligent bulletin are
10	referring to a document	10	you referring to?
11	MR. ZELMAN: Counsel, please.	11	A. The one issued by the New York
12	Q. Was it your opinion that Mr.	12	Police Department.
13	Dikler had violated General Business Law	13	Q. Do you recall how many pages
14	Section 80?	14	that was?
15		15	MS. PRIVETERRE: Asked and
		16	answered. Objection.
16	Q. Do you recall what the General Business Law Section 80 is?	17	A. One.
17		18	_
18	A. No.		Q. It was one page? A. Yes.
19	Q. How would you make a	19	
20	determination about what the arrest charges	20	Q. The way you extrapolated which
21	were?	21	charge to charge Mr. Dikler, were those
22	A. Based on the incident.	22	charges listed on the form itself?
23	Q. And how would you determine	23	MS. PRIVETERRE: Objection.
24	which arrest charges to apply to the incident?	24	A. What?
25	A. Would you please rephrase the	25	Q. Before you charged Mr. Dikler
	Page 71		Page 73
1	Page 71 M. Visconti	1	Page 73 M. Visconti
1 2	M. Visconti	1 2	_
2	M. Visconti question.		M. Visconti
2	M. Visconti question. Q. You were the one who decided	2	M. Visconti with an arrest charge, would you have read the law on it?
2 3 4	M. Visconti question. Q. You were the one who decided which arrest charges to apply to Mr. Dikler;	2	M. Visconti with an arrest charge, would you have read the law on it? A. Explain it better.
2 3 4 5	M. Visconti question. Q. You were the one who decided which arrest charges to apply to Mr. Dikler; is that correct?	2 3 4 5	M. Visconti with an arrest charge, would you have read the law on it? A. Explain it better. Q. One of the arrest charges was
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2 3 4 5 6 7 8	M. Visconti question. Q. You were the one who decided which arrest charges to apply to Mr. Dikler; is that correct? MS. PRIVETERRE: Objection. A. Yes. Q. How did you determine those	2 3 4 5 6	M. Visconti with an arrest charge, would you have read the law on it? A. Explain it better. Q. One of the arrest charges was the possession of a forged instrument in the second degree; is that correct? A. Yes.
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1	Page 74		Page 76
1	M. Visconti	1	M. Visconti
` 2	MS. PRIVETERRE: No, you don't	2	the witness.
3	recall or no, you didn't?	3	MR. ZELMAN: I am not badgering
4	A. No, I don't recall.	4	him.
5	MS. PRIVETERRE: Then you	5	MS. PRIVETERRE: You are being
6	should say so.	6	argumentative.
7	Q. With regard to General Business	7	MR. ZELMAN: No, I am not.
8	Law Section 80, do you recall whether you read	8	If you want to talk, this is not the
9	that before you determined it was an arrest	9	time. You are allowed to object. I
10	charge?	10	said it four times.
11	A. No.	11	MS. PRIVETERRE: I won't allow
12	Q. So, typically, the way that you	12	you to badger the witness.
13	determine an arrest charge is to read an NYPD	13	MR. ZELMAN: Let's call the
14	memo or instruction sheet?	14	court. I am sick of this. If you
15	MS. PRIVETERRE: Objection to	15	want to call the court, then let's do
16	the form.	16	it.
17	A. No.	17	MS. PRIVETERRE: You are
18	 Q. How do you typically determine 	18	badgering him. He is asking you for a
19	what the arrest charges are?	19	clarification. You keep saying, what
20	 A. It depends on the incident. 	20	doesn't he understand.
21	Q. How do you determine what the	21	MR. ZELMAN: You can't speak
22	charges are?	22	during a deposition, doesn't that sink
23	 A. It depends on the incident. 	23	in with you?
24	MS. PRIVETERRE: Asked and	24	MS. PRIVETERRE: I am not the
25	answered.	25	one badgering the witness.
			D 77
١,	Page 75 M. Visconti	1	Page 77 M. Visconti
1 2	Q. In this particular case one of	2	MR. ZELMAN: I am not the one
	the arrest charges was possession of a forged	~	
		ી ર	naggering anyone nur you at this time
3	- · · · · · · · · · · · · · · · · · · ·	3 4	badgering anyone but you at this time. MS_PRIVETERRE: You can't
4	instrument in the second degree.	4	MS. PRIVETERRE: You can't
4 5	instrument in the second degree. A. Yes.	4 5	MS. PRIVETERRE: You can't badger anyone, let alone the deponent.
4 5 6	instrument in the second degree. A. Yes. Q. My question is, how did you make	4 5 6	MS. PRIVETERRE: You can't badger anyone, let alone the deponent. MR. ZELMAN: You can't speak
4 5 6 7	instrument in the second degree. A. Yes. Q. My question is, how did you make a determination that it was possession of a	4 5 6 7	MS. PRIVETERRE: You can't badger anyone, let alone the deponent. MR. ZELMAN: You can't speak during the deposition. It is just that
4 5 6 7 8	instrument in the second degree. A. Yes. Q. My question is, how did you make a determination that it was possession of a forged instrument in the second degree and not	4 5 6 7 8	MS. PRIVETERRE: You can't badger anyone, let alone the deponent. MR. ZELMAN: You can't speak during the deposition. It is just that simple.
4 5 6 7 8 9	instrument in the second degree. A. Yes. Q. My question is, how did you make a determination that it was possession of a forged instrument in the second degree and not possession of a forged instrument in the third	4 5 6 7 8 9	MS. PRIVETERRE: You can't badger anyone, let alone the deponent. MR. ZELMAN: You can't speak during the deposition. It is just that simple. MS. PRIVETERRE: He is asking
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	instrument in the second degree. A. Yes. Q. My question is, how did you make a determination that it was possession of a forged instrument in the second degree and not possession of a forged instrument in the third degree? MS. PRIVETERRE: Objection. A. I don't understand what it is you are asking? Q. You don't understand that question? A. No. Q. What don't you understand about it? MS. PRIVETERRE: That is badgering. I think he is asking you to rephrase the question. MR. ZELMAN: I rephrased it four	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. PRIVETERRE: You can't badger anyone, let alone the deponent. MR. ZELMAN: You can't speak during the deposition. It is just that simple. MS. PRIVETERRE: He is asking you to clarify. You don't come back with, what don't you understand. MR. ZELMAN: And this is all on the record. Q. Sir, I am going to ask you again: With respect to Mr. Dikler, it was your determination, was it not, that he was in violation of the law, possession of a forged instrument in the second degree; is that correct? A. Yes. Q. That is a specific charge in the law; is that correct?
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	Page 78		Page 80
1	M. Visconti	1	M. Visconti
2	he violated and not some other law?	2	(Plaintiffs' Exhibit 1, document
3	 A. I was guided by the NYPD 	3	dated March 22, 2006 marked for
4	bulletin.	4	identification, as of this date.)
5	Q. Other than the NYPD bulletin,	5	Q. I would ask you and your counsel
6	was there any other instrument or any other	6	to take a look at that.
7	influence in your determination about what the	7	MR. SILVERMAN: May I see that
8	arrest charge was other than the bulletin?	8	too?
9	A. No.	9	MS. PRIVETERRE: Sure.
10	Q. Did someone tell you that this	10	Q. Is that your signature on the
11	is what you were supposed to charge him with,	11	bottom of that page?
12	you read that law or was it something else?	12	A. Yes.
13	A. No.	13	Q. And you signed that on 3/22/06?
14	Q. What did the bulletin say that	14	A. Yes.
15	made you determine to charge Mr. Dikler with	15	Q. Before you signed that, you read
16	possession of a forged instrument in the	16	this document?
17	second degree?	17	A. Yes.
18	 A. I don't remember specifically. 	18	Q. On the first paragraph of the
19	Q. The same is true with respect to	19	document, it indicates that Mr. Dikler had an
20	General Business Law Section 80?	20	intent to defraud, deceive and injure another;
21	A. Yes.	21	is that correct?
22	MS. PRIVETERRE: Objection.	22	A. Yes.
23	Q. You don't remember what	23	Q. And you also indicated that you
24	specifically the instruction sheet said with	24	were informed by Mr. Vega that the informant
25	regard to that, but that is where you believe	25	recovered a forged New York City Police
	Page 79		Page 81
1	M. Visconti	1	M. Visconti
2	that you got the information to charge him	2	Department detective-type shield; is that
3	with that offense?	3	correct?
4	A. Yes.	4	A. Yes.

123	regard to triat, but triat is where you believe	23	recovered a longed New York City Folice
	Page 79		Page 81
1	M. Visconti	1	M. Visconti
2	that you got the information to charge him	2	Department detective-type shield; is that
3	with that offense?	3	correct?
4	A. Yes.	4	A. Yes.
5	Q. Okay. Thank you very much.	5	 Q. And it was recovered from inside
6	A. You are welcome.	6	the detective's jacket?
7	Q. Do you know if the DA decided to	7	A. Yes.
8	use the arrest charges as criminal charges?	8	Q. That is what the document says?
9	A. I don't remember.	9	A. Yes.
10	 Q. Did you ever become aware that 	10	Q. Did he indicate that he had
11	criminal possession of a forged instrument in	11	recovered a forged detective-style shield?
12	the second degree requires an intent to	12	 A. I don't remember if I spoke to
13	defraud, deceive or injure somebody?	13	him specifically.
14	A. No.	14	 Q. If he denies that he said that,
15	Q. Are you aware of that today?	15	would you believe that is incorrect?
16	A. No.	16	MS. PRIVETERRE: Objection.
17	Q. Did you speak to Security	17	MR. SILVERMAN: Objection to
18	Officer Wilson Vega regarding Mr. Dikler?	18	the form.
19	A. I don't remember.	19	A. No.
20	Q. Do you know if he told you	20	Q. Do you recall if Mr. Vega ever
21	anything about what had happened?	21	in writing advised you that he recovered a
22	A. I don't remember.	22	forged New York City police detective-style
23	MR. ZELMAN: Please mark this	23	shield?
24	as Plaintiffs' Exhibit 1 for	24	 A. I think that was in the report

25 that I indicated earlier.

25

identification.

	Page 82		Page 8
1	M. Visconti	1	M. Visconti
١ 2	Q. Did Mr. Vega ever express an	2	is?
3	opinion about whether the shield was forged?	3	A. No.
4	A. Not that I know.	4	Q. You never saw it before?
5	Q. Is there anything else about	5	Ā. No.
6	this particular arrest that you recall that I	6	Q. Do you believe that you
7	have not asked you about?	7	completed this document?
8	A. No.	8	A. No.
9	Q. Did you place handcuffs on Mr.	9	Q. The shield that was recovered
10	Dikler?	10	from Mr. Dikler, do you know if it was ever
11	A. Yes.	11	given back to him?
12	Q. How long was he in handcuffs	12	A. No.
13	for?	13	Q. You don't know?
14	A. I don't know.	14	A. No.
15	Q. Do you know how long he was in	15	Q. The shield that was recovered
16	custody for?	16	from Mr. Dikler, do you recall if it had an
17	A. A few hours. I am not sure.	17	identifying number on it?
18	Q. Did you transport him to central	18	A. I think so, but I am not sure.
19	booking?	19	Q. That identifying number, was
20	A. I don't remember.	20	that ever corresponded to Mr. Dikler's
21	Q. Do you remember being at central	21	employment at the Transit Authority?
22	booking that day, March 22?	22	MS. PRIVETERRE: Objection.
23	A. I don't remember.	23	MR. SILVERMAN: Objection.
24		24	MR. PRIVETERRE: Objection to
25	Q. Do you remember anything that he	25	the form.
	told you?	23	ule loini.
	Page 83		Page 8
1	M. Visconti	1	M. Visconti
2	A. No.	2	A. I don't remember.
3	 Q. Did you speak to any civilian 	3	Q. You understand the question,
4	witnesses about this event?	4	though?
5	A. I don't remember.	5	A. Yes.
6	Q. And you never spoke to his	6	Q. Have you ever had a discussion
7	employer about this?	7	at the Internal Affairs Bureau about,
8	A. No.	8	generally, a policy of inspecting badges at 26
9	MR. ZELMAN: Please mark this	9	Federal Plaza?
10	exhibit as Plaintiffs' Exhibit 2 for	10	 A. I don't understand the question.
11	identification.	11	 Q. At internal affairs with your
12	(Plaintiffs' Exhibit 2, document	12	colleagues or supervisor have you ever had a
13	marked for identification, as of this	13	discussion about the fact there is a policy of
14	date.)	14	inspecting badges at 26 Federal Plaza?
15	Q. I would just ask you if you	15	A. Yes.
16	recognize that document?	16	Q. Is it common knowledge at
17	A. No.	17	internal affairs that anybody who goes through
18	Q. Does it have your name on the	18	26 Federal Plaza and has a badge, that badge
19	top of the page?	19	will be examined?
20	A. No.	20	MS. PRIVETERRE: Objection.
21	Q. Did you write that?	21	A. I don't understand the question.
22	A. No.	22	Q. In general, at internal affairs,
23	Q. Do you know who did?	23	what is discussed specifically regarding 26
24	A. No.	24	Federal Plaza regarding badges?
25	Q. Do you know what this document	25	A. Now?
	J. DO TOU INDOM WHAT HIS ACCUMENT		, u 17077.

1	Page 86 M. Visconti	1	Page 88 M. Visconti
1 2	Q. Yes.	2	A. Yes.
3	A. Today?	3	Q. Would that be very unusual?
4	Q. Or in 2006.	4	A. Yes.
5	A. I don't understand.	5	Q. What about five people, would
6	Q. Is it a fairly typical	6	that be unusual?
7	assignment for an internal affairs	7	
8		8	A. The question, it is not there is no specific answer.
9	investigator to have to report to 26 Federal		•
10	Plaza in 2003 or 2004, in order to inspect the		Q. Are you aware of a policy of
11	shield or badge? MS. PRIVETERRE: Objection to	10	arrest at 26 Federal Plaza with respect to
12	the form.	12	badges?
13		13	A. Yes.
	You could answer the question,	14	Q. What is that policy?
14	if you understand it.	Į.	A. At 26 Federal Plaza, if someone
15	A. Not necessarily.	15	would go into 26 Federal Plaza with a shield
16	Q. But this was the first time you	16	they would notify my office.
17	did an arrest at 26 Federal Plaza; is that	17	Q. Are you aware of any other
18	correct?	18	facility that has that policy, that when
19	A. That I remember.	19	anyone comes into the facility with a badge,
20	Q. Did you ever speak to other	20	they are going to notify internal affairs?
21	colleagues if they had performed an arrest at	21	A. My unit is notified in regard to
22	26 Federal Plaza with regard to similar shield	22	all shields.
23	or badge issues?	23	Q. My question is this, with
24	A. Yes.	24	respect to the policy, are you aware of
25	Q. How many other times have you	25	another facility, a federal facility or a
	Page 87		Page 89
1	M. Visconti	1	M. Visconti
2	had any other discussion with other people at		
		2	state facility or some other type of facility
3	internal affairs?	3	that if someone comes in with a badge they
3 4	internal affairs? A. I don't remember.	3 4	· · · · · · · · · · · · · · · · · · ·
3	A. I don't remember.Q. Do you have any idea how many	3	that if someone comes in with a badge they
3 4	A. I don't remember.	3 4 5 6	that if someone comes in with a badge they would call internal affairs?
3 4 5	A. I don't remember.Q. Do you have any idea how many	3 4 5	that if someone comes in with a badge they would call internal affairs? MS. PRIVETERRE: Objection.
3 4 5 6	A. I don't remember. Q. Do you have any idea how many other people got stopped at 26 Federal Plaza	3 4 5 6	that if someone comes in with a badge they would call internal affairs? MS. PRIVETERRE: Objection. A. Yes.
3 4 5 6 7 8 9	A. I don't remember. Q. Do you have any idea how many other people got stopped at 26 Federal Plaza with respect to their badges? A. I don't know. Q. Do you know if it was more than	3 4 5 6 7 8 9	that if someone comes in with a badge they would call internal affairs? MS. PRIVETERRE: Objection. A. Yes. Q. What other facility?
3 4 5 6 7 8 9	A. I don't remember. Q. Do you have any idea how many other people got stopped at 26 Federal Plaza with respect to their badges? A. I don't know.	3 4 5 6 7 8 9	that if someone comes in with a badge they would call internal affairs? MS. PRIVETERRE: Objection. A. Yes. Q. What other facility? A. One Police Plaza. Q. Any other facility? A. I don't know.
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 6	M. Visconti taken place? A. No. Q. Do you remember when that policy began? A. No. Q. Is it safe to say that Mr. Dikler's arrest was not the only arrest for violation of that policy? A. Yes. MS. PRIVETERRE: Objection to the form. Q. Can you estimate how many more people were arrested? A. No. MR. ZELMAN: No further questions. Thank you. MR. SILVERMAN: I have no questions. Thank you. THE WITNESS: Thank you. (Whereupon, at 1:15 p.m., the examination of the witness was concluded.) Page 91 M. Visconti MICHAEL VISCONTI Subscribed and sworn to before me this day of, 2008.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 6	I, MINDY CORCORAN, hereby certify that the within was held before me on the 21st day of May, 2008. That the testimony was taken stenographically by myself. That the within transcript is a true and accurate record. That I am not connected by blood or marriage with any of the parties. I am not interested directly or indirectly in the matter in controversy. IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of May, 2008. MINDY CORCORAN Page 93 INDEX WITNESS: MICHAEL VISCONTI EXAMINATION PAGE By Mr. Zeiman 5
	MR. ZELMAN: No further		IN WITNESS WHEREOF, I have
	questions. Thank you.		hereunto set my hand this 21st day of
			May, 2008.
	•		
	THE WITNESS: Thank you.		MINDY CORCODAN
	(Whereupon at 1:15 nm, the		MINDY CORCORAN
			;
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10		10	2006 80
11		11	2 Document 83
12		12	
13		13	DIRECTIONS
14 15		14 15	PAGE LINE
16	,	16	(None)
17		17	REQUESTS
18		18	
19		19	PAGE LINE
20 21		20 21	(None)
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1			
2	MICHAEL VISCONTI		,
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3	Subscribed and sworn to		
4	before me this		
5	day of, 2008.		
6			
	•		
7	NOTARY PUBLIC		
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